

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----	X	
	:	
MARTIN BODNER, HANNELORE BODNER, CRAIG	:	
BODNER, ROBERT BODNER, JACQUES AMPLEMAN,	:	
AMY AMPLEMAN, GASTON LEBRUN, RIA LEBRUN,	:	<u>NOT FOR</u>
NORMAN FREIDMAN and ARLENE FREIDMAN,	:	<u>PRINT OR ELECTRONIC</u>
	:	<u>PUBLICATION</u>
Plaintiffs,	:	
	:	<u>ORDER</u>
-against-	:	
	:	
THE FANS OF NEW YORK COUNT, INC., THE FANS	:	96 CV 1873 (ARR)(MDG)
OF AMERICA DO COUNT, INC., AFFILIATED	:	
REALTY GROUP, LTD., MILEX CORP., THOMAS	:	
SETTEDUCATO, KATHLEEN CARUSIO, MENICUCCI	:	
& CASTELLANO AND MICHAEL M. MENICUCCI,	:	
	:	
Defendants.	:	
	:	
-----	X	
	:	
GABRIEL WEISBARTH and BRACHA WEISBARTH,	:	
	:	
Plaintiffs,	:	
	:	
-against-	:	
	:	
THE FANS OF NEW YORK COUNT, INC., THOMAS	:	96 CV 4045 (ARR)(MDG)
SETTEDUCATO, KATHLEEN CARUSIO, MENICUCCI	:	
& CASTELLANO AND MICHAEL M. MENICUCCI,	:	
	:	
Defendants.	:	
	:	
-----	X	

ROSS, United States District Judge:

The court has received the Report and Recommendation in these two consolidated actions dated March 11, 2009 from the Honorable Marilyn Dolan Go, United States Magistrate Judge.

No objections have been filed. Accordingly, the court has reviewed the Report and Recommendation for clear error on the face of the record. See Advisory Comm. Notes to Fed. R. Civ. P. 72(b); accord Edwards v. Town of Huntington, No. 05 Civ. 339 (NGG) (AKT), 2007 U.S. Dist. LEXIS 50074, at \*6 (E.D.N.Y. July 11, 2007); McKoy v. Henderson, No. 05 Civ. 1535 (DAB), 2007 U.S. Dist. LEXIS 15673, at \*1 (S.D.N.Y. March 5, 2007). Having reviewed the record, I find no clear error. I hereby adopt the Report and Recommendation, in its entirety, as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1).

Therefore, judgment is entered against each of the following defendants – Thomas Setteducato, The Fans of New York Count, Inc., also doing business as the Fans of New York, Inc. and Personal Investors, The Fans of America Do Count, Inc. d/b/a Personal Investors and Affiliated Realty Group, Ltd. d/b/a Personal Investors – as follows:

- (a) judgment in favor of Martin Bodner for \$786,039.57 in damages under the Racketeer Influenced and Corrupt Organization Act (“RICO”), 18 U.S.C. §§ 1961 et seq., interest through March 31, 2009 of \$228,325.97 and at a daily rate of \$31.12 until entry of judgment and attorneys’ fees of \$37,201.96, for a total judgment of \$1,051,567.50;
- (b) judgment in favor of Craig Bodner for \$35,622.40 in damages under RICO and interest through March 31, 2009 of \$10,347.47 and at a daily rate of \$1.41 until entry of judgment, for a total judgment of \$45,969.87;
- (c) judgment in favor of Robert Bodner for \$16,512.03 in damages under RICO and interest through March 31, 2009 of \$4,796.53 and at a daily rate of \$.65 until entry of judgment, for a total judgment of \$21,308.38;


- (d) judgment in favor of Jacques and Amy Ampleman for \$639,352.02 in damages under RICO and interest through March 31, 2009 of \$181,139.18 and at a daily rate of \$23.33 until entry of judgment and attorneys' fees of \$50,124.09, for a total judgment of \$870,615.29;
- (e) judgment in favor of Gaston and Ria LeBrun for \$319,561.14 in damages under RICO and interest through March 31, 2009 of \$148,167.40<sup>1</sup> and at a daily rate of \$26.27 until entry of judgment and attorneys' fees of \$24,214.96, for a total judgment of \$491,943.50;
- (f) judgment in favor of Norman and Arline Freidman for \$80,000 in damages under RICO and interest through September 16, 2000 of \$16,653.54, for a total judgment of \$96,653.54; and
- (g) judgment in favor of Gabriel and Bracha Weisbarth for \$60,000 in damages under RICO and interest through September 16, 2000 of \$13,179.40, for a total judgment of \$73,179.40.<sup>2</sup>

Furthermore, the claims against Michael Menicucci, Menicucci & Castellano, Kathleen Carusio and Milex Corp. are dismissed, and no damages are awarded to Hannelore Bodner.

---

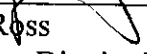
<sup>1</sup>There appears to be a slight discrepancy between the Conclusion of the Report and Recommendation, see p. 35, and the calculation in the body of the Report and Recommendation, see pp. 26-28, regarding the interest portion of the judgment awarded in favor of Gaston and Ria LeBrun. This order includes the interest calculation as described in the body of the Report and Recommendation.

<sup>2</sup>There also appears to be a slight discrepancy between the Conclusion of the Report and Recommendation, see p. 35, and the calculation in the body of the Report and Recommendation, see pp. 29-30, regarding the judgment awarded in favor Gabriel and Bracha Weisbarth. The court orders judgment as described in the body of the Report and Recommendation.

The Clerk of the Court is directed to enter judgment accordingly. 

SO ORDERED.

s/ ARR

  
\_\_\_\_\_  
Allyne R. Ross  
United States District Judge

Dated: March 31, 2009  
Brooklyn, New York